

**RECEIVED
CENTRAL FAX CENTER****AUG 21 2006**REMARKS/ARGUMENTS

Claim 16 is canceled. Claims 1, 2 and 10-15 remain pending and are unchanged by this amendment.

At the outset, the telephonic interview of July 12 and 17 between the undersigned and the Examiner, is acknowledged with appreciation. As explained by the undersigned during the interview, rejection of pending claims 1, 2 and 10-15 as set forth in the Official Action, is **PLAINLY IN ERROR**, and **RECONSIDERATION** is in order. The undersigned's comments during that interview are either in the Interview Summary or set forth below in expanded detail.

In Paragraph #2, main claim 1 is newly rejected under 35 USC 103(a) over Stritter and Thatcher in view of Strothier. However, **NONE** of this prior art discloses the combination of a safety pin attachment structure detachably secured to a loop, as required by claim 1. Specifically, as **ADMITTED** by the Examiner in the rejection, the **ONLY** prior art relied upon in the Paragraph #2 rejection, that discloses a safety pin attachment structure is Strothier, which does **NOT** relate to shoes, but instead to a stocking and trouser protector. Moreover, Strothier's safety pin 29 is used to detachably secure a strap 27 **TO A SEAM** of the body of protector 1 (Figure 6; and page 2, lines 9-18), **NOT TO A LOOP**.

It is well established that "The Examiner ... bears the initial burden ... of presenting a prima facie case of unpatentability". Here, the Examiner's rejection of claim 1 clearly fails to meet a claimed limitation, and as such, is **FATALLY** flawed. The use of safety pin attachment structures to detachably secure shoe straps to strap attachment loops is a significant benefit of the invention. This advantageous feature allows, inter alia, repositioning of straps and exchangeable straps, with significant benefits including cost savings to the consumer.

In view of the foregoing, the rejection of claim 1 as set forth in the Paragraph #2 rejection is traversed, and it is clear that the Paragraph #2 rejection of main claim 1 **MUST BE**

WITHDRAWN.

Main claim 10 is likewise rejected in Paragraph #2 under 35 USC 103(a), over Stritter and Thatcher in view of Strothier. Similar to main claim 1, main claim 10 sets forth the combination of shoe straps detachably securable by safety pin attachment structures to loops of shoe bases. However, as previously stated, none of the Paragraph #2 prior art discloses the combination of a safety pin attachment structure detachably secured to a loop. As previously stated, Strothier's safety pin 29 is used to detachably secure a strap 27 TO A SEAM of the body of protector 1 (Figure 6; and page 2, lines 9-18), NOT TO A LOOP.

Once again, the Paragraph #2 rejection clearly fails to meet the "burden ... of presenting a prima facie case of unpatentability". As previously stated, the use of safety pin attachment structures to detachably secure shoe straps to strap attachment loops is a significant benefit of the invention, with significant advantages including cost savings to the consumer. In view of the foregoing, the rejection of claim 10 as set forth in the Paragraph #2 rejection is traversed, and it is clear that the Paragraph #2 rejection of main claim 10 MUST BE WITHDRAWN.

Because the Paragraph #2 rejection of main claim 10 is plainly in error, it is clear that the Paragraph #2 rejection of claims 11 and 12 (dependent on main claim 10) MUST BE WITHDRAWN. Accordingly, the Paragraph #2 rejection of dependent claims 11 and 12 is traversed.

In Paragraph #3, claim 2 (dependent on claim 1) is rejected under 35 USC 103(a) as unpatentable over the three references cited in Paragraph #2, in view of Vlas. Vlas does not overcome the previously explained deficiency of the three references cited in Paragraph #2 against main claim 1. Because the Paragraph #2 rejection of main claim 1 is plainly in error, it is clear that the Paragraph #3 rejection of dependent claim 2 MUST BE WITHDRAWN. Accordingly, the Paragraph #3 rejection of dependent claim 2 is traversed.

In Paragraph #4, claims 13-14 (dependent on claim 10) are rejected under 35 USC 103(a) as unpatentable over the three references cited in Paragraph #2, in view of Berg. Berg does not overcome the previously explained deficiency of the three references cited in Paragraph #2 against main claim 10. Because the Paragraph #2 rejection of main claim 10 is plainly in error, it is clear that the Paragraph #4 rejection of dependent claims 13 and 14 MUST BE WITHDRAWN. Accordingly, the Paragraph #4 rejection of dependent claims 13 and 14 is traversed.

In Paragraph #5, claim 15 (dependent on claim 10) is rejected under 35 USC 103(a) as unpatentable over the three references cited in Paragraph #2, in view of Kelly. Kelly does not overcome the previously explained deficiency of the three references cited in Paragraph #2 against main claim 10. Because the Paragraph #2 rejection of main claim 10 is plainly in error, it is clear that the Paragraph #5 rejection of dependent claim 15 MUST BE WITHDRAWN. Accordingly, the Paragraph #5 rejection of dependent claim 15 is traversed.

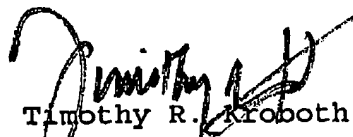
It is well established that "The Examiner ... bears the initial burden ... of presenting a prima facie case of unpatentability". Here, the Examiner's rejections of claims 1, 2, and 10-15 clearly fail to meet a claimed limitation, and as such, are FATEALLY flawed. In view of the foregoing, reconsideration and withdrawal of the rejections of Paragraphs 2-5 against claims 1, 2 and 10-15 is plainly in order and respectfully requested.

With respect to the Interview Summary, because the Interview Summary is incomplete and inaccurate, attention is drawn to the foregoing comments as correctly setting forth and expanding upon applicant's position. Moreover, undersigned commented that none of the references applied by the Official Action, teaches loops on the sides of shoe bases. Any comment pertaining to any reference NOT applied against the claims by the Official Action, is believed to be irrelevant to the failure of bearing "the initial burden ... of presenting a prima facie case

of unpatentability", and accordingly to the appropriateness of WITHDRAWAL of the rejections of Paragraphs #2-5 against pending claims 1, 2 and 10-15.

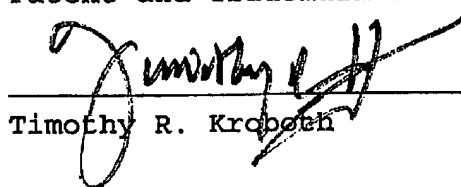
In view of the foregoing, withdrawal of all rejections and issuance of a notice of allowance is respectfully requested. Should any minor matter remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office on August 21, 2006.


Timothy R. Kroboth

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